



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING**

**AGENDA**

**Electronic Meeting  
Public Participation via Livestream  
<https://www.amherstburg.ca/livestream>**

**Monday, April 12, 2021**

**5:00 PM**

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

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**Pages**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

#### 4. SPECIAL PLANNING REPORTS

##### 4.1. Zoning By-law Amendment at 7397 Concession 7

3

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at 7397 Concession 7 (File ZBA-05-21), owned by Larry and Donna Taylor **BE RECEIVED and SUMMARIZED** in a future report to Council.

##### 4.2. Zoning By-law Amendment for 1459 Front Road North

30

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for 1459 Front Road North (File ZBA/06/21), Zoning By-law 2021-021 **BE RECEIVED and SUMMARIZED** in a future report to Council.

#### 5. ADJOURNMENT

That Council adjourn at     p.m.



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES**

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name: Frank Garardo</b>	<b>Report Date: March 29, 2021</b>
<b>Author's Phone: 519 736-5408 ext. 2124</b>	<b>Date to Council: April 12, 2021</b>
<b>Author's E-mail: <a href="mailto:fgarardo@amherstburg.ca">fgarardo@amherstburg.ca</a></b>	<b>Resolution #: N/A</b>

**To: Mayor and Members of Town Council**

**Subject: Statutory Public Meeting for a Zoning By-law Amendment at 7397 Concession 7**

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**1. RECOMMENDATION:**

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at 7397 Concession 7 (File ZBA-05-21), owned by Larry and Donna Taylor **BE RECEIVED and SUMMARIZED** in a future report to Council.

**2. BACKGROUND:**

The lands are the subject of a decision of the Committee of Adjustment for Application B/07/21, which approved a surplus dwelling severance with associated conditions. The rezoning of the subject property to A-36 is a condition of the consent decision. Condition (5) of the decision states:

5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.

**3. DISCUSSION:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from Joseph Grondin on behalf of Larry and Donna Taylor. The subject lands affected by the proposed amendment are described as Part of Lots 80 and 81, Concession 7, municipally known as part of 7397 Concession 7; the residence which was the subject

of the severance is located at 7397 Concession 7 is not subject to this rezoning. At conclusion of the severance, the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 28.64 hectares (70.76 acres) ±.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The land is designated Agricultural in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/07/21) to sever a dwelling which is surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

The effect of the Zoning By-law Amendment will be to allow for general agricultural uses on the subject property and prohibit any new dwelling units on the land.

The application is consistent with the Provincial Policy Statement (2020), specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town’s Official Plan, specifically Section 3.2.2(14), which provides for surplus dwelling severances subject to the remnant parcel being rezoned to prohibit a dwelling unit. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment cannot be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant.

**6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. **CONCLUSION:**

It is recommended that the Zoning By-law Amendment be directed for approval at a future regular Council Meeting, pending comments received at this public meeting.



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Frank Garardo  
**Manager of Planning Services**

JM

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**

**Phone #: 519 736-3664 ext. 2313**

**Name: Building Services**

**Phone #: 519 736-5408 ext. 2136**

**Name: Fire Services**

**Phone #: 519 736-6500**

**Name: Union Gas**

**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**

**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**

**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**

**Phone #: 519 253-2481**

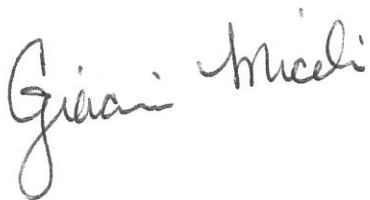
## Report Approval Details

Document Title:	Statutory Public Meeting for a Zoning By-law Amendment at 7397 Concession 7.docx
Attachments:	- 2021 04 12 - Statutory Public Meeting- ZBA 7397 Conc 7- ATTACHMENTS.pdf
Final Approval Date:	Mar 29, 2021

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

CORPORATION OF THE TOWN OF AMHERSTBURG  
**NOTICE OF STATUTORY PUBLIC MEETING  
TO CONSIDER A ZONING BY-LAW AMENDMENT**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting, by electronic means, on **Monday, April 12, 2021 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

**THE SUBJECT LANDS** affected by the proposed amendment are described as Part of Lots 80 and 81, Concession 7, municipally known as the farm parcel severed from 7397 Concession 7. The property is vacant agricultural land and the total area subject to the rezoning is 28.64 hectares (70.76 acres). (see key map below)

**THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52** is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/07/21) to sever a dwelling which is surplus to the needs of a farming operation.

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

**COVID-19 Emergency: During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the Town of Amherstburg under the provisions of Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, respectively*) Town of Amherstburg Council is holding electronic meetings, and in-person meeting attendance is restricted. Any person, who wishes to make representation is required to do so in writing.**

**ANY PERSON** may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at [fgarardo@amherstburg.ca](mailto:fgarardo@amherstburg.ca) or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, April 8, 2021 before the hearing and will be read aloud prior to the application being heard by Council.

**ANY PERSON** who wishes to attend by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, April 8, 2021. To register for electronic participation please email the Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca). Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

**NO PERSON OR PUBLIC BODY** shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

**ADDITIONAL INFORMATION** relating to the proposed Zoning By-law (File# ZBA/05/21) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment

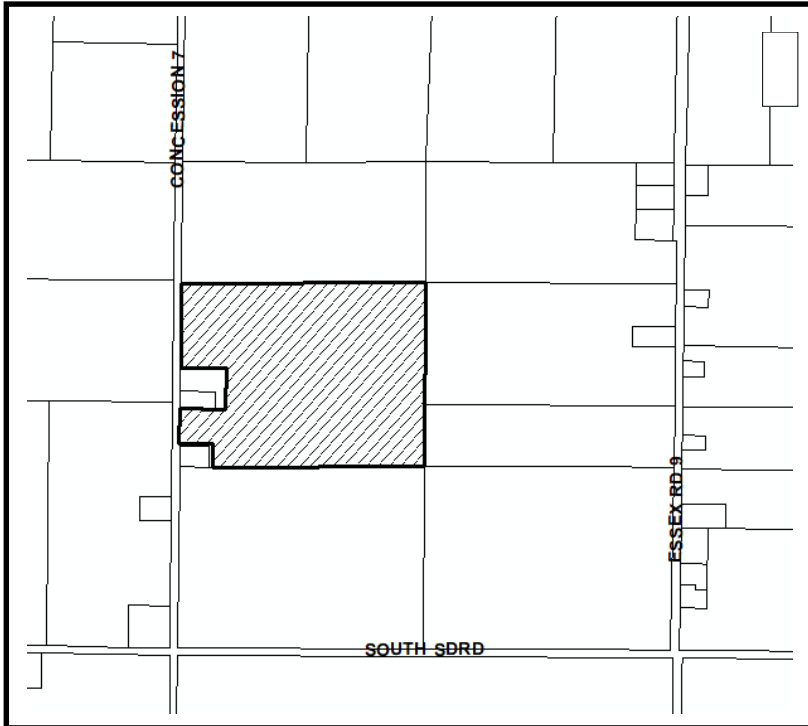
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is also available for review on the Town of Amherstburg Website: [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting [www.amherstburg.ca](http://www.amherstburg.ca).

DATED at the Town of Amherstburg this 17<sup>th</sup> day of March, 2021.

### KEY MAP



Frank Garardo, MCIP, RPP  
Manager of Planning Services

Town of Amherstburg  
Libro Centre  
3295 Meloche Road  
Amherstburg, Ontario N9V 2Y8  
Telephone: (519) 736-5408  
Fax No. (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)

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Municipal Fee Received:	1020.00
Municipal Deposit Received:	N/A
ERCA Fee Received:	200.00

Application No. Z&A/05/21

**FORM 1  
PLANNING ACT  
APPLICATION FOR ZONING BY-LAW AMENDMENT  
TOWN OF AMHERSTBURG**

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality Feb. 23, 2021
- 3. Date application deemed complete by municipality Feb. 24, 2021
- 4. Name of registered owner Larry + Donna Taylor

Telephone number \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Name of registered owner's solicitor or authorized agent (if any) Joseph Grandin

Telephone number \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Please specify to whom all communications should be sent:

- registered owner
- solicitor
- agent

- 5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

\_\_\_\_\_

- 6. Location and description of subject land:

Concession No. 7 Lot(s) No. P+L 80+81

Registered Plan No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address severed from 7397 Assessment Roll No. P+ 620-02200

Concession 7

- 7. Size of subject parcel:

Frontage 323.1m Depth 640m (2100ft) Area 28.64ha

(1066ft)

(70.76 acres)

- 8. Access to subject parcel:

- Municipal Road
- County Road
- Provincial Highway
- Private Road
- Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

\_\_\_\_\_

- 9. (a) Current Official Plan Land Use designation of subject land Agricultural
- (b) Explanation of how application conforms to the Official Plan Section 3.2.2(14)

of the OP requires the remnant parcel subsequent to a surplus dwelling severance be rezoned to restrict residential development.

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

- Yes
- No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

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10. Current Zoning of subject land Agricultural (A) Zone

11. Nature and extent of rezoning requested rezone severed farmland to A-36 to restrict residential development

12. Reasons why rezoning is requested condition of consent of severed surplus dwelling

13. Current use of subject land Agricultural

14. Length of time current use of subject land has continued 100 yrs +

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

- Yes
- No

(b) minimum and maximum height requirements

- Yes
- No

If yes, state the requirements \_\_\_\_\_

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16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

vacant

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17. Date of construction of existing buildings and structures on the subject land:

N/A

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18. Date subject land acquired by current registered owner 1995

19. Proposed use of subject land Agriculture

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

None

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21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) \_\_\_\_\_

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) N/A

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) municipal drains

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

B/06/21, B/07/21 - Approved

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

N/A

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

N/A

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

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27. Is the subject land within an area where zoning with conditions may apply?

Yes  No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

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28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes  No

Comments 

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29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes  No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

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30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes  No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes  No

Dated at the Town of Amherstburg this 23<sup>rd</sup> day of February, 2021.

x Joseph Grandin  
(signature of applicant, solicitor or authorized agent)

I, Joseph Grandin of the Town of Amherstburg  
in the County/District/Regional Municipality of Essex solemnly declare that  
all the statements contained in this application are true, and I make this solemn declaration  
conscientiously believing it to be true, and knowing that it is of the same force and effect as  
if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County  
of Essex this 23<sup>rd</sup> day of February, 2021.

x Joseph Grandin  
Applicant, Solicitor or Authorized Agent

F. Gerardo  
A Commissioner, etc.

Frank Gerardo, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the Town of Amherstburg.  
Expires June 7, 2022

**15. AUTHORIZATION**

If the applicant is not the owner(s) of the land that is subject of this application, the owner(s) must complete the following or a similar authorization attached to the consent application.

To: Town of Amherstburg

Description and Location of Subject Lands: 7397 Concession 7  
RR #1 Amherstburg.

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Joseph Grondin of The Town of Amherstburg to:

- (1) make an application on my/our behalf to the Committee of Adjustment of the Town of Amherstburg;
- (2) appear on my behalf at any hearings(s) of the application; and
- (3) provide any information or material required by the Committee relevant to the application.
- (4) submit this application on my/our behalf and, for the purposes of the Freedom of Information and Protection of Privacy Act, to provide any of my/our personal information that will be included in this application or collected during the process of the application

DATED at the Town of Amherstburg  
in the County of Essex this 22<sup>th</sup>  
day of January, 2021.

Witness [Signature]

[Signature] Signature of Owner

Witness [Signature]

[Signature] Signature of Owner

Witness \_\_\_\_\_

Signature of Owner \_\_\_\_\_



A



**Legend**

-  Zoning
-  OP- Agricultural

**DECISION OF APPROVAL AUTHORITY  
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **Larry & Donna Taylor, c/o Joseph Grondin, Agent**
- (c) Brief description LOCATION OF PROPERTY (c) **7397 Concession 7 (Roll No. 3729-620-000-02200)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 73.1 m (200 ft) ± frontage by 117.35 m (385 ft) ± depth with an area of 0.72 ha (1.77 acres) ± which includes a single detached dwelling and one accessory structure which are surplus to the needs of the farming operation. The remaining parcel being 323.1 m (1060 ft) ± frontage by 640 m (2100 ft) ± depth with an area of 28.64 hectares (70.76 acres) ± is vacant agricultural land and is designated Agricultural in the Town's Official Plan and Zoning By-law.
- (e) Date of decision **CONCUR** in the following decision and reasons for decision made on the (e) 23<sup>rd</sup> day of February, 2021.

**DECISION: APPROVED**

- (f) State conditions to be satisfied before granting of consent
  1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
  2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
  3. That all property taxes be paid in full.
  4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
  5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
  6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
  7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within the County right-of-way. The access shall be provided to each lot to the satisfaction of the municipality.
  8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel
  9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.



(g) State reasons for decision REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The size and configuration of the severed surplus dwelling lot is appropriate for this severance as it reduces the amount of land taken from the farming operation and does not remove any of the farming drainage tiles from the farming operation.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....  
David Cozens

.....  
Terris Buchanan

.....  
Anthony Campigotto

.....  
Donald Shaw

.....  
Josh Mailloux

ORIGINAL DOCUMENT SIGNED


### CERTIFICATION

*The Planning Act, R.S.O. 1990*

(h) Name of approval authority I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 24<sup>th</sup> day of February, 2021

  
.....  
Secretary-Treasurer  
Town of Amherstburg  
Committee of Adjustment  
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

That the application be deferred to end of meeting due to the applicant not being present at the meeting.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

**6.2 Applications B/06/21, B/07/21 & A/05/21 – Larry & Donna Taylor, c/o Joseph Grondin, Agent – 7397 Concession 7 (Roll No. 3729-620-000-02200)**

Public in Attendance: Joseph Grondin, Agent

**B/06/21:** The applicant is proposing to sever a u-shaped parcel of land with 6.1 m (20 ft) ± frontage by 117.35 m (385 ft) ± depth and an area of 0.19 hectares (0.47 acres) ± for the purpose of a lot addition to merge with 7405 Concession 7. The proposed retained parcel being 384.05 m (1260 ft) ± frontage by 640 m (2100 ft) ± depth has an area of 29.35 hectares (72.53 acres) ±, and is designated Agricultural in the Town’s Official Plan and Zoning By-law.

**B/07/21:** The applicant is proposing to sever a parcel of land being 73.1 m (200 ft) ± frontage by 117.35 m (385 ft) ± depth with an area of 0.72 ha (1.77 acres) ± which includes a single detached dwelling and one accessory structure which are surplus to the needs of the farming operation. The remaining parcel being 323.1 m (1060 ft) ± frontage by 640 m (2100 ft) ± depth with an area of 28.64 hectares (70.76 acres) ± is vacant agricultural land and is designated Agricultural in the Town’s Official Plan and Zoning By-law.

**A/05/21:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance of a 0.19 hectares (0.47 acres) ± lot addition and a 0.72 ha (1.77 acres) ± surplus dwelling from an existing 29.54 hectares (73 acres) parcel the retained farm parcel will have an area of 28.64 hectares (70.76 acres). Therefore, the amount of relief requested is 11.36 hectares (28.07 acres).

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated February 16, 2021 from the Essex Region Conservation Authority stating:

*The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 7th Concession Road Drain and Bailey Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.*

*Our office has reviewed the proposal and has no concerns relating to stormwater management.*

*With the review of background information and aerial photograph, ERCA has no objection to these applications for Minor Variance and Consent.*

- ii) Email dated February 17, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no objections with the proposed severances and minimum lot area. These changes will not impair police service delivery to the property.*
- iii) Email dated February 10, 2021 from the Building division stating that both properties must:
  - *Demonstrate location of septic system. Ensure existing septic system is in working order, provide documentation by a certified qualified septic contractor*
- iv) Email dated February 9, 2021 from the Fire Department indicating no issues.
- v) Email dated February 16, 2021 from the Engineering & Public Works Department indicating the following:
  - *Drainage Apportionment required for the 7th Concession Road Drain North and Long Marsh Drain*
  - *A new access culvert will be required over the 7th Concession Road Drain North to access the retained agricultural land. This will require an engineer's report under the Drainage Act. This process has already been started due to an existing bridge repair and improvement project on the 7th Concession Road Drain North. EPW has previously had discussions with the applicants relating to this condition.*
- vi) Planning Report dated February 11, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Joseph Grondin presented the concept of the application. No questions on the applications. Frank Garardo read the conditions of the severances and the applicant acknowledged understanding. The requirement of the condition to require that the septic system be inspected at 7405 Concession 7 was discussed.

The following resolution was put forth:

**That application B/06/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
4. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
5. That all property taxes be paid in full.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the

property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.

7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot addition does not remove agricultural land from production.

**That application B/07/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within the County right-of-way. The

access shall be provided to each lot to the satisfaction of the municipality.

8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Josh Mailloux  
 Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The size and configuration of the severed surplus dwelling lot is appropriate for this severance as it reduces the amount of land taken from the farming operation and does not remove any of the farming drainage tiles from the farming operation.

**That application A/05/21 be approved.**

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law. The proposed lot addition and surplus dwelling severances do not remove agricultural land from production.

**6.3 Application B/09/21 – David & Susanne Gibson – 1485 Front Rd S (Roll No. 3729-550-000-11400))**

Public in Attendance: David Gibson, Applicant

**B/09/21:** The applicant is proposing to sever a parcel of land being 22.86 m (75 ft) frontage by 45.72 m (150 ft) ± depth with an area of 1045.16 sq m (11,250 sq ft) ± for purposes of creating a new residential building lot. The remaining parcel being 22.86 m (75 ft) frontage by 45.72 m (150 ft) ± depth with an area of 1045.16 sq m (11,250 sq ft) ± is residential land containing one single detached dwelling and one accessory structure. The subject property is zoned Residential Type 1A (R1A) in the Town's Zoning By-Law and designated Low Density Residential in the Town's Official Plan.



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

March 24, 2021

Mr. Frank Garardo  
Manager of Planning Services  
3925 Meloche Road  
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-05-21  
7397 CONCESSION 7  
ARN 372962000002200; PIN: 015410340  
Applicant: Larry & Donna Taylor

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-05-21. The proposed Zoning By-Law amendment is to change the zoning of the subject lands noted above from the "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone". The parcel is designated Agricultural in the Town's Official Plan. The lands described above are subject to an application for consent (File B/07/21) to sever a dwelling which is surplus to the needs of a farming operation

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 7th Concession Road Drain and Bailey Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

## **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Mr. Garardo  
March 24, 2021

**SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha  
Resource Planner  
/vc



**From:** [DESANDO, Bruno](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 18, 2021 11:55:10 AM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Janine,

Canada Post has no comments for the attached zoning by-law amendments.

Regards,

Bruno

Bruno DeSando  
CANADA POST CORPORATION  
Delivery Planning  
955 Highbury Avenue  
LONDON ON N5Y 1A3  
tel: 519-494-1596  
fax: 519-457-5412  
e-mail: [bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)

---

**From:** Janine Mastronardi <[jmastronardi@amherstburg.ca](mailto:jmastronardi@amherstburg.ca)>

**Sent:** March-17-21 10:35 AM

**To:** Giovanni (John) Miceli <[jmiceli@amherstburg.ca](mailto:jmiceli@amherstburg.ca)>; Antonietta Giofu <[aGiofu@amherstburg.ca](mailto:aGiofu@amherstburg.ca)>; Todd Hewitt <[thewitt@amherstburg.ca](mailto:thewitt@amherstburg.ca)>; Angelo Avolio <[aavolio@amherstburg.ca](mailto:aavolio@amherstburg.ca)>; Michelle Lavin <[mchittle@amherstburg.ca](mailto:mchittle@amherstburg.ca)>; Shane McVitty <[smcvitty@amherstburg.ca](mailto:smcvitty@amherstburg.ca)>; Ron Meloche <[rmeloche@amherstburg.ca](mailto:rmeloche@amherstburg.ca)>; Paula Parker <[pparker@amherstburg.ca](mailto:pparker@amherstburg.ca)>; Antonio Marra <[amarra@amherstburg.ca](mailto:amarra@amherstburg.ca)>; Paul Acton <[pacton@amherstburg.ca](mailto:pacton@amherstburg.ca)>; Rob Unis <[runis@amherstburg.ca](mailto:runis@amherstburg.ca)>; 'ONTUGLLandsINQ@uniongas.com' <[ONTUGLLandsINQ@uniongas.com](mailto:ONTUGLLandsINQ@uniongas.com)>; 'Executivevp.lawanddevelopment@opg.com' <[Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)>; [planning@erca.org](mailto:planning@erca.org); Denise Kimmerly ([denise\\_kimmerly@wecdsb.on.ca](mailto:denise_kimmerly@wecdsb.on.ca)) <[denise\\_kimmerly@wecdsb.on.ca](mailto:denise_kimmerly@wecdsb.on.ca)>; Rebecca Belanger <[rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca)>; Lisa Shepley <[lshepley@countyofessex.ca](mailto:lshepley@countyofessex.ca)>; K Balallo <[kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca)>; 'Barry Horrobin' <[REDACTED]>; Bruce Montone <[bmontone@amherstburg.ca](mailto:bmontone@amherstburg.ca)>; DESANDO, Bruno <[bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)>; Carr <[ccarr@essexpowerlines.ca](mailto:ccarr@essexpowerlines.ca)>; Girard <[agirard@essexpowerlines.ca](mailto:agirard@essexpowerlines.ca)>



**From:** [ONTUGLLandsINQ](mailto:ONTUGLLandsINQ)  
**To:** [Janine Mastronardi](mailto:Janine.Mastronardi)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 17, 2021 2:07:41 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the Attachment Centre at 1-866-772-1045.

Should you require any further information, please contact the undersigned.

**Barbara M.J. Baranow**  
**Analyst Land Support**

Enbridge Gas Inc.  
50 Keil Drive North, Chatham, ON N7M 5M1

Integrity. Safety. Respect.

---

**From:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** Wednesday, March 17, 2021 10:35 AM  
**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mchittle@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ <ONTUGLLandsINQ@enbridge.com>; 'Executivevp.lawanddevelopment@opg.com' <Executivevp.lawanddevelopment@opg.com>; planning@erca.org; Denise Kimmerly (denise\_kimmerly@wecdsb.on.ca) <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; 'Barry Horrobin' <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno

**From:** [Todd Hewitt](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 17, 2021 10:49:54 AM

---

Janine,

Public works has no comments with respect to ZBA's

Todd

**Todd Hewitt**

*Manager of Engineering and Operations*

Town of Amherstburg

512 Sandwich St South, Amherstburg, ON, N9V 3R2

Tel: 519-736-3664 ext 2313 Fax: 519-736-7080 TTY: 519-736-9860



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**From:** Janine Mastronardi

**Sent:** March 17, 2021 10:35 AM

**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mchittle@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; 'ONTUGLLandsINQ@uniongas.com' <ONTUGLLandsINQ@uniongas.com>; 'Executivevp.lawanddevelopment@opg.com' <Executivevp.lawanddevelopment@opg.com>; planning@erca.org; Denise Kimmerly (denise\_kimmerly@wecdsb.on.ca) <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; 'Barry Horrobin' <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>

**Subject:** Notice of Public Meeting for Two ZBAs

Good morning.

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting for two proposed zoning by-law amendment with associated applications for a property on the east side of Concession 7 that was severed from 7397 Concession 7 and a property on the east side of Front

**From:** [Horrobin, Barry](#)  
**To:** [Janine Mastronardi](#); [Giovanni \(John\) Miceli](#); [Antonietta Giofu](#); [Todd Hewitt](#); [Angelo Avolio](#); [Michelle Lavin](#); [Shane McVitty](#); [Ron Meloche](#); [Paula Parker](#); [Antonio Marra](#); [Paul Acton](#); [Rob Unis](#); ["ONTUGLLandsINQ@uniongas.com"](#); ["Executivevp.lawanddevelopment@opg.com"](#); [planning@erca.org](#); [Denise Kimmerly](#) ([denise\\_kimmerly@wecdsb.on.ca](#)); [Rebecca Belanger](#); [Lisa Shepley](#); [K Balallo](#); [Bruce Montone](#); [DESANDO, Bruno](#); [Carr](#); [Girard](#)  
**Cc:** [Lisa Cheney](#); [Frank Garardo](#)  
**Subject:** Windsor Police comments: Notice of Public Meeting for Two ZBAs  
**Date:** March 17, 2021 4:25:17 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Janine:

I have reviewed the documents associated with the two proposed Zoning By-law amendments for the subject properties. The Windsor Police Service has no concerns or objections with either application as the outcome from both will not negatively impact public safety or inhibit police service response capability to the properties in question.

Respectfully,

**Barry Horrobin, B.A., M.A., CLEP, CMM-III**  
**Director of Planning & Physical Resources**  
**WINDSOR POLICE SERVICE**



***Advanced Certified Law Enforcement Planner***

---

**From:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** Wednesday, March 17, 2021 10:35 AM  
**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mchittle@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; 'ONTUGLLandsINQ@uniongas.com' <ONTUGLLandsINQ@uniongas.com>; 'Executivevp.lawanddevelopment@opg.com' <Executivevp.lawanddevelopment@opg.com>; planning@erca.org; Denise Kimmerly (denise\_kimmerly@wecdsb.on.ca) <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Horrobin, Barry

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2021-017**

**By-law to amend Zoning By-law No. 1999-52  
E/S Concession 7 (Conc 7, Pt Lots 80 and 81), Amherstburg**

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**WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 52 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

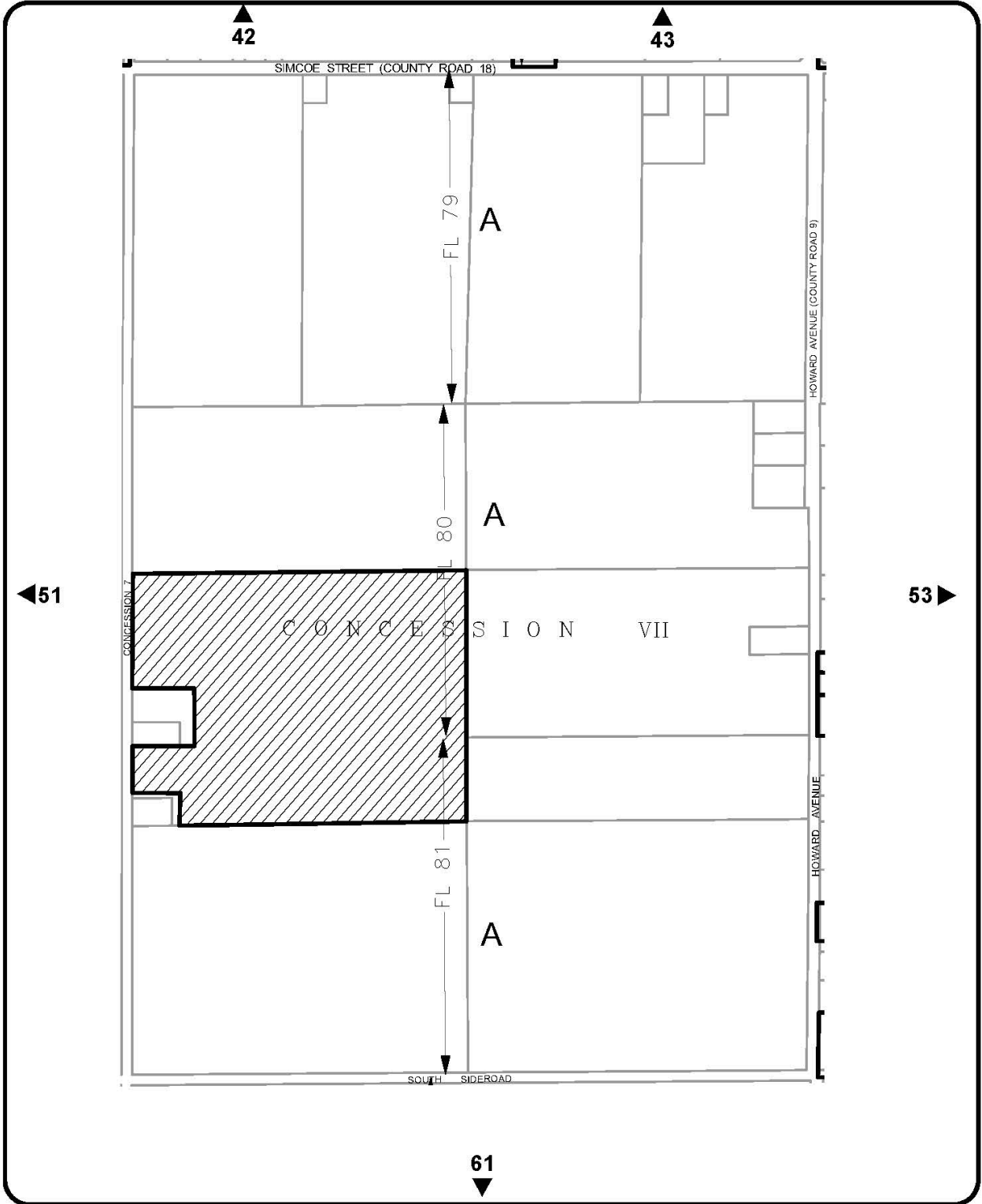
Read a first, second and third time and finally passed this 26<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
MAYOR- ALDO DICARLO


\_\_\_\_\_  
CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2021-017  
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'  
MAP 52  
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider Zoning By-law Amendment for 1459 Front Road North

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public with respect to Zoning By-law Amendment for 1459 Front Road North (File ZBA/06/21), Zoning By-law 2021-021 BE RECEIVED and SUMMARIZED in a future report to Council.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from property owners John and Angela Riolo. The 2.42 acre parcel of land is situated on the east side of Front Road North municipally known as 1459 Front Road North. The property has 258 ft (78 m) of frontage and an irregular depth. The lands are designated Low Density Residential in the Town's Official Plan.

The lands are the subject of a decision of the Committee of Adjustment for Application B/18/20, which approved a residential building lot with associated conditions. The rezoning of the subject property to residential is a condition of the consent decision. Condition (13) of the decision states:

- 13. That both the severed and retained parcels be rezoned to Residential Type 1A (R1A) zone.

The severed residential building lot is proposed to be rezoned to R1A-10 and the retained lot is proposed to be rezoned to R1A.



Figure 1: Aerial of 1459 Front Road North

### 3. **DISCUSSION:**

The Official Plan for the Town of Amherstburg designates the lands subject of the application as “Low Density Residential”. The rezoning conforms to the applicable Official Plan policies. The severed lot is capable of receiving municipal services (water and hydro) and requires Council approval for the septic lot to be developed on private on-site septic systems.

The subject land is currently zoned Agricultural (A) Zone and the proposed Zoning By-law Amendment will rezone the subject land to Residential Type 1A (R1A) Zone and Special Provision Residential Type 1A (R1A-10) Zone. Any future development of the lands will be required to conform to the Zoning regulations of the R1A and R1A-10 Zone. The zone change from A to R1A will bring the zoning in line with the Official Plan designation of low density residential. The special provision proposed for the severed parcel proposes the additional use of the keeping of livestock for personal use. The livestock would be housed no closer than 100 metres to the closest adjoining dwelling and may be no larger than twenty square metres. This provision is identical to the provision providing the keeping of livestock for personal use for properties zoned R1A along Texas Road and Concession 2 N.

The proposed Zoning By-law Amendment appears to be in conformity with the policies in the Town's Official Plan. The land is designated Low Density Residential. Section 4.3.1 of the Official Plan states:

*“Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.”*

The proposed Zoning By-law Amendment appears to be consistent with the policies in the County of Essex's Official Plan. The subject property is located within a secondary settlement area. Section 3.2.5 of the County Official Plan states:

*a) New development will be permitted to the boundaries of the Secondary Settlement Areas as shown on Schedule “A2” provided such development is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.*

*c) New development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.*

The proposed Zoning By-law Amendment appears to be in conformity with the Provincial Policy Statement 2020 (PPS). The proposed lots are located within a settlement area. Section 1.1.3.1 of the PPS states:

*Settlement areas shall be the focus of growth and development.*

Section 1.1.3.6 of the PPS states:

*New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

The subject property is located in close proximity to some municipal services, existing built-up areas with single detached dwellings and a municipal park. The proposed Zoning By-law Amendment promotes growth and development within a designated settlement area.

#### **4. RISK ANALYSIS:**

The public meeting is the initial step in the planning process to hear public and agency comments regarding the proposed use of the lands to determine if any concerns are raised.

#### **5. FINANCIAL MATTERS:**

The cost associated with the application and planning process are the responsibility of the developer.



## 6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

The Essex Region Conservation Authority (ERCA) has stated that:

*The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Rosario Bezaire Drain, Sancrainte Drain and Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.*

*Our office has reviewed the proposal and has no concerns relating to stormwater management.*

*With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law amendment.*

The proponents have consulted with MECP. MECP has relayed appropriate mitigation measures (temporary fencing during construction phase).

Enbridge Gas Inc. has stated that:

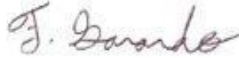
*Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance.*

*Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner.*

The County of Essex, Canada Post and Engineering and Public Works Department, Building division, Fire Department identified no objection to the application.

**7. CONCLUSION:**

It is recommended that comments received at this public meeting be summarized into a report and brought back for Council's information and consideration at an upcoming Council meeting.



---

Frank Garardo  
Manager of Planning Services

JM

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Essex Region Conservation Authority**  
**Phone #: 519 776-5209**

**Name: Town of Amherstburg Engineering and Public Works Department**  
**Phone #: 519 736-3664 ext. 2313**

**Name: Town of Amherstburg Building Department**  
**Phone #: 519 736-5408 ext. 2136**

**Name: Town of Amherstburg Fire Department**  
**Phone #: 519 736-0012 ext. 2231**

**Name: Union Gas**  
**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**  
**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**  
**Phone #: 519 253-2481**

**Name: Greater Essex County District School Board**  
**Phone #: 519 255-3200**

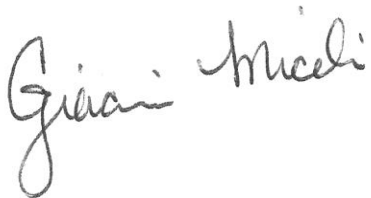
## Report Approval Details

Document Title:	Statutory Public Meeting to Consider Zoning By-law Amendment for 1459 Front Road North.docx
Attachments:	- 2021 04 12 - Statutory Public Meeting- ZBA 1459 Front Rd N- ATTACHMENTS.pdf
Final Approval Date:	Apr 6, 2021

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

CORPORATION OF THE TOWN OF AMHERSTBURG  
**NOTICE OF STATUTORY PUBLIC MEETING  
TO CONSIDER A ZONING BY-LAW AMENDMENT**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting, by electronic means, on **Monday, April 12, 2021 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

**THE SUBJECT LANDS** affected by the proposed amendment are described as Part of Lot 27, Concession 1, municipally known as 1459 Front Road North. The property contains one single detached structure and one detached accessory structure and the total area subject to the rezoning is 9866.5 sq m (2.44 acres). (see key map below)

**THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52** is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Residential Type 1A (R1A) Zone**” and “**Special Provision Residential Type 1A (R1A-10) Zone**”. The parcel is designated Low Density Residential in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/18/20) to sever a residential building lot. The severed residential building lot will be rezoned to R1A-10 and the retained lot will be rezoned to R1A.

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** will be to allow for general residential uses on the subject properties. The amendment will bring the zoning of both the severed and retained parcels in line with the Official Plan designation of Low Density Residential. The “Special Provision Residential Type 1A (R1A-10) Zone” is established as a site specific zone for the severed residential building lot created through consent, to allow all uses in the R1A Zone as well as the addition of the keeping of livestock for personal use subject to required setbacks.

**COVID-19 Emergency: During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the Town of Amherstburg under the provisions of Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, respectively*) Town of Amherstburg Council is holding electronic meetings, and in-person meeting attendance is restricted. Any person, who wishes to make representation is required to do so in writing.**

**ANY PERSON** may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at [fgarardo@amherstburg.ca](mailto:fgarardo@amherstburg.ca) or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, April 8, 2021 before the hearing and will be read aloud prior to the application being heard by Council.

**ANY PERSON** who wishes to attend by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, April 8, 2021. To register for electronic participation please email the Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca). Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

**NO PERSON OR PUBLIC BODY** shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to

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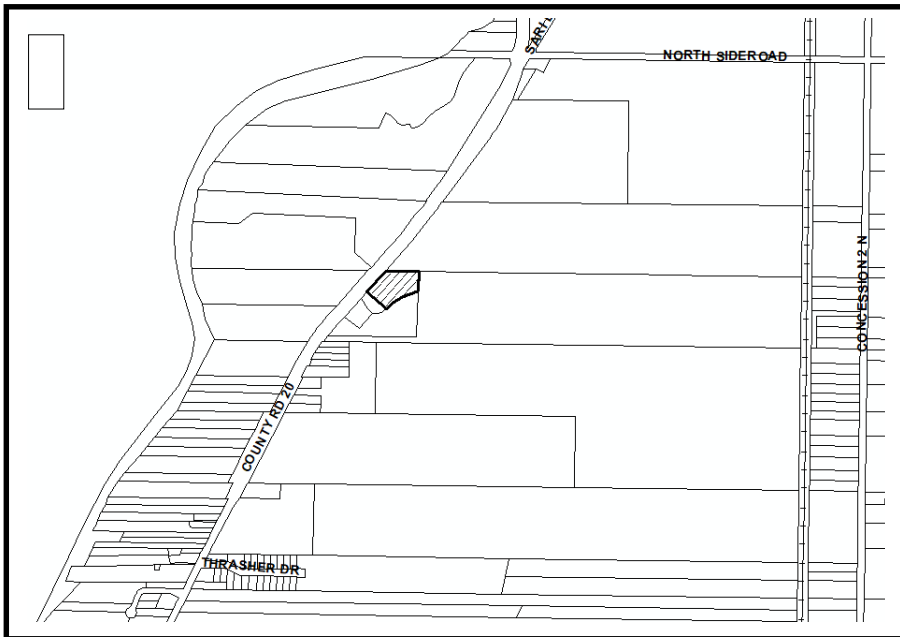
Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk’s Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

do so.

**ADDITIONAL INFORMATION** relating to the proposed Zoning By-law (File# ZBA/06/21) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting [www.amherstburg.ca](http://www.amherstburg.ca).

DATED at the Town of Amherstburg this 17<sup>th</sup> day of March, 2021.

### KEY MAP



Frank Garardo, MCIP, RPP  
Manager of Planning Services

Town of Amherstburg  
Libro Centre  
3295 Meloche Road  
Amherstburg, Ontario N9V 2Y8  
Telephone: (519) 736-5408  
Fax No. (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Municipal Fee Received:	1020.00
Municipal Deposit Received:	N/A
ERCA Fee Received:	200.00

Application No: ZBA/06/21

**FORM 1  
PLANNING ACT  
APPLICATION FOR ZONING BY-LAW AMENDMENT  
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality March 5, 2021
3. Date application deemed complete by municipality March 9, 2021
4. Name of registered owner JOHN & ANGELA RILOLO  
 Telephone number [REDACTED]  
 Address [REDACTED]  
 Email [REDACTED]  
 Name of registered owner's solicitor or authorized agent (if any) [REDACTED]  
 Telephone number \_\_\_\_\_  
 Address \_\_\_\_\_  
 Email \_\_\_\_\_

Please specify to whom all communications should be sent:

registered owner     solicitor     agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:  
\_\_\_\_\_

6. Location and description of subject land:

Concession No. 1 Lot(s) No. PL LT 27

Registered Plan No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address 1459 FRONT RD N Assessment Roll No. 460-10500

7. Size of subject parcel:

Frontage 258 ft Depth IRREGULAR Area 2.44 acres

8. Access to subject parcel:

Municipal Road     County Road     Provincial Highway  
 Private Road     Water

If access to the subject land is by water only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. (a) Current Official Plan Land Use designation of subject land low density residential  
 (b) Explanation of how application conforms to the Official Plan condition of the severance.

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

Yes  No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land A

11. Nature and extent of rezoning requested RIA w. Section 3(9)(viii) livestock provision  
use added for severed lot

12. Reasons why rezoning is requested condition of the  
severance

13. Current use of subject land residential

14. Length of time current use of subject land has continued 100 plus for house  
5yrs for vacant land.

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

Yes  No

(b) minimum and maximum height requirements

Yes  No

If yes, state the requirements \_\_\_\_\_

16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

1 single detach dwelling on retained parcel  
1 accessory structure (Part 1)  
see draft 12R.

17. Date of construction of existing buildings and structures on the subject land:

house - 1880  
garage - 5yrs

18. Date subject land acquired by current registered owner 2016

19. Proposed use of subject land residential

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

house 7 on severed parcel (part 2)  
barn

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) \_\_\_\_\_

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) \_\_\_\_\_

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) \_\_\_\_\_

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

B-18-20

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

No

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

No

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

\_\_\_\_\_  
\_\_\_\_\_



27. Is the subject land within an area where zoning with conditions may apply?

Yes  No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

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28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes  No

Comments 

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29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes  No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

---

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes  No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes  No

Dated at the Town of Amherstburg this 5<sup>th</sup> day of March, 20 21

Angela Riolo  
(signature of applicant, solicitor or authorized agent)

I, ANGELA RILO of the Town of Amherstburg  
in the County/District/Regional Municipality of Essex solemnly declare that  
all the statements contained in this application are true, and I make this solemn declaration  
conscientiously believing it to be true, and knowing that it is of the same force and effect as  
if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County  
of Essex this 5<sup>th</sup> day of March, 20 21.

Angela Riolo  
Applicant, Solicitor or Authorized Agent

Frank Garareo  
Frank Garareo, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the Town of Amherstburg.  
Expires June 7, 2022  
A Commissioner, etc.



**B-18-20**  
**1459 Front Road North**

EP

RE-4

A

1459





1453

R1A

1435



**Legend**

-  Zoning
-  Agricultural
-  Low Density Residential
-  Open Space



COUNTY RD 20

158 ft

100 ft

1459

Retained Parcel  
23,985 sq ft

1453

Severed Parcel  
1.87 acres

**DECISION OF APPROVAL AUTHORITY  
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **John and Angela Riolo**
- (c) Brief description LOCATION OF PROPERTY (c) **1459 Front Rd N  
(Roll No. 3729-460-000-10500)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel being 48.15 m (158 ft.) frontage by an irregular depth with an area of approximately 0.756 hectares (1.87 acres) for purposes of creating a new residential building lot. The remaining parcel being 30.48 m (100 ft.) frontage by an irregular depth with an area of 2228.28 square metres (23,985 sq. ft.) contains one single detached dwelling and a detached garage.
- (e) Date of decision **CONCUR** in the following decision and reasons for decision made on the (e) 26<sup>th</sup> day of January, 2021.

**DECISION: APPROVED**

- (f) State conditions to be satisfied before granting of consent
  1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
  2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
  3. That all property taxes be paid in full.
  4. That the requirements of the County of Essex in accordance with their correspondence dated January 18, 2021 regarding the requirement to provide accesses that are located adjacent to one another be shown on the registered plan and include these in the deeds for the properties be complied with.
  5. That one driveway access be constructed to the severed property, adjacent to the existing driveway, where one does not exist. That an access permit be obtained for the driveway from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deeds. The access shall be provided to the satisfaction of the municipality.
  6. That the subject lot be serviced with an appropriate storm drainage system to be developed under the supervision and to the satisfaction of the Town Drainage Superintendent.
  7. That the severed parcel be serviced with municipal water in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
  8. That the developer be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the Building Department.
  9. That the applicant obtain a report from a certified designer/installer that the existing private septic system serving the existing dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
  10. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
  11. That Council approve the development of the severed lot on private individual septic systems after the soil analysis and septic design for the proposed lot is completed. This requirement shall be fulfilled prior to the stamping of deeds.

12. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 for the severed lot.
13. That both the severed and retained parcels be rezoned to Residential Type 1A (R1A) zone.
14. That the applicant enter into an Agreement with the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into sanitary sewers when they become available. The subject agreement shall be registered on the title of the property.
15. That the requirement for the land owners of the severed parcel to engage the Ministry of Environment, Conservation and Parks (MECP) at the building permit stage to ensure compliance with the Endangered Species Act be registered on title and included in the purchase and sale agreement of the severed lot.
16. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

(g) State reasons for decision REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The subject property will be rezoned to a residential zone prior to the stamping of the deeds.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....  
David Cozens

.....  
Terris Buchanan

.....  
Anthony Campigotto

.....  
Donald Shaw

.....  
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

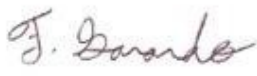
**CERTIFICATION**

*The Planning Act, R.S.O. 1990*

(h) Name of approval authority I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 28<sup>th</sup> day of January, 2021

  
.....  
Secretary-Treasurer  
Town of Amherstburg  
Committee of Adjustment  
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**

Present: T. Buchanan, A. Campigotto, J. Mailloux, D. Shaw, D. Cozens

Also Present: Frank Garardo, Manager of Planning Services, Sarah French, Planner, Kevin Fox, Policy and Committee Coordinator

Absent: N/A

**1. Call to Order**

The Chair, David Cozens, called the meeting to order at 7:45 a.m. and performed introductions of the Committee members and administration.

**2. Roll Call**

The Chair completed roll call for the electronic meeting, all members were present.

**3. Disclosure of Pecuniary Interest**

None.

**4. Adoption of Agenda**

The agenda was presented for adoption.

Moved by: Anthony Campigotto

Seconded by: Josh Mailloux

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

**5. Adoption of Minutes**

A motion was put forward to adopt the minutes of November 24, 2020.

Moved by: Josh Mailloux

Seconded by: Terris Buchanan

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

**6. Order of Business**

**6.1 Application B/18/20 – John & Angela Riolo – 1459 Front Rd N (Roll No. 3729-460-000-10500)**

Public in Attendance: John and Angela Riolo, Mike Collavino

**B/18/20:** The applicant is proposing to sever a parcel being 48.15 m (158 ft.) frontage by an irregular depth with an area of approximately 0.756 hectares (1.87 acres) for purposes

of creating a new residential building lot. The remaining parcel being 30.48 m (100 ft.) frontage by an irregular depth with an area of 2228.28 square metres (23,985 sq. ft.) contains one single detached dwelling and a detached garage. The subject property is Zoned Agriculture and designated Low Density Residential in the Town's Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated January 19, 2021 from the Essex Region Conservation Authority stating:  
*The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Rosario Bezaire Drain, Sancrainte Drain and Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.*  
*Our office has reviewed the proposal and has no concerns relating to stormwater management.*  
*Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)).*  
*With the review of background information and aerial photograph, ERCA has no objection to this application for consent.*
- ii) Email dated January 15, 2021 from the Public Works Department identifying the following comments:
  - *Drainage Apportionment required for the Sancrainte Drain.*
  - *Individual water service connection required for new lot.*
  - *No Sanitary sewers, septic field required for new lot. Additionally, the applicant should be aware that, in the future, should a sanitary sewer collection system be constructed along Front Road North, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.*
  - *Based on the proposal, the new severed lot will require a separate driveway accesses from County Road 20 (Front Road North). This will require necessary review and approvals from the County of Essex.*
  - *The applicant should be made aware of the existence of Sancrainte Drain, a municipal drain which extends along the northern and eastern boundary limits of the property at 1459 Front Road N. Any future structures planned for the existing or proposed severed lot will be subject to set-back requirements from the drain.*
- iii) Email dated January 18, 2021 from the Windsor Police Department indicating:  
*The Windsor Police Service has no concerns or objections with the proposed severance being sought to create a residential lot. The outcome from this will not result in difficulties for police to access the property in an emergency or for a call for service in any way.*
- iv) Email dated January 11, 2021 from the Fire Department indicating no comments.
- v) Email dated January 18, 2021 from the County of Essex stating:



*Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex.*

*The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 20 for a proposed residential building or 105 feet from the centre of the right of way for a proposed commercial structure.*

*Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures. The County of Essex requires the access to the severed parcel be located adjacent to retained parcel.*

*We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.*

- vi) Planning Report dated January 18, 2021 from Frank Garardo, Secretary Treasurer and Sarah French, Planner.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. John and Angelo Riolo discussed the concept of the application with the members of the Committee. The Riolos stated that they had applied for the consent originally in 2015 and the consent was approved at that time. The consent lapsed due to renovations on the house taking longer than expected. The Riolos explained that they would like to use the property as a hobby farm containing chickens, ducks, 6-10 colonies of bees and potentially future uses such as greenhouses and a roadside farm stand. They stated that they do not wish to rezone the property to residential as this would hinder the use of the property as a hobby farm. A discussion occurred debating the merits of rezoning the property. It was decided that a severance would not be permitted under the agricultural zoning and therefore a rezoning to residential is considered the appropriate approval process. The applicants will be able to ask Council for additional permission to house livestock on the lands. Planning outlined that livestock may not be supportable due to Provincial Policies, further discussion on whether Livestock would be supportable on the lands would have to be considered as part of a Zoning by-law amendment process. The applicants outlined that the lands are abutting agriculture and any livestock would be minimal in scale. The applicants also stated that they are planning to keep the property in their name. It was noted that under the Planning Act, the applicants have one year from the stamping of the deeds to transfer the property or the consent is no longer valid. The severed property will need to be registered in a different name than the retained property. Frank Garardo read the conditions of the consent and the applicants acknowledged understanding.

The following resolution was put forth:

That application B/18/20 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the requirements of the County of Essex in accordance with their correspondence dated January 18, 2021 regarding the requirement to provide accesses that are located adjacent to one another be shown on the registered plan and include these in the deeds for the properties be complied with.

5. That one driveway access be constructed to the severed property, adjacent to the existing driveway, where one does not exist. That an access permit be obtained for the driveway from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deeds. The access shall be provided to the satisfaction of the municipality.
6. That the subject lot be serviced with an appropriate storm drainage system to be developed under the supervision and to the satisfaction of the Town Drainage Superintendent.
7. That the severed parcel be serviced with municipal water in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
8. That the developer be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the Building Department.
9. That the applicant obtain a report from a certified designer/installer that the existing private septic system serving the existing dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
10. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
11. That Council approve the development of the severed lot on private individual septic systems after the soil analysis and septic design for the proposed lot is completed. This requirement shall be fulfilled prior to the stamping of deeds.
12. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 for the severed lot.
13. That both the severed and retained parcels be rezoned to Residential Type 1A (R1A) zone.
14. That the applicant enter into an Agreement with the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into sanitary sewers when they become available. The subject agreement shall be registered on the title of the property.
15. That the requirement for the land owners of the severed parcel to engage the Ministry of Environment, Conservation and Parks (MECP) at the building permit stage to ensure compliance with the Endangered Species Act be registered on title and included in the purchase and sale agreement of the severed lot.
16. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Josh Mailloux

Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The subject property will be rezoned to a residential zone prior to the stamping of the deeds.

## **6.2 Application B/02/21 & A/02/21 – Rick Laframboise – 5775 Concession 5 N (Roll No. 3729-480-000-00400)**

Public in Attendance: Rick Laframboise

**B/02/21:** The applicant is proposing to sever a vacant parcel of land with 15.24 m (50 ft) frontage by 47.97 m (157.38 ft) depth and an area of 0.073 hectares (0.18 acres) for the purpose of a lot addition to merge with 5781 Concession 5 N. The proposed retained parcel being 239.37 m (778.78 ft) frontage by an irregular depth has an area of 11.78 hectares (29.11 acres), and is designated Agricultural and Natural Environment in the Town's Official Plan and is zoned Agricultural and Environmental Protection in the Zoning By-law.

**A/02/21:** The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance of 0.073 hectares (0.18 acres) from an existing 11.853 hectares (29.29 acres) parcel the retained farm parcel will have an area of 11.78 hectares (29.11 acres). Therefore, the amount of relief requested is 28.22 hectares (69.733 acres).

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated January 18, 2021 from the Essex Region Conservation Authority stating:  
*The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Canard River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Our office has reviewed the proposal and has no concerns relating to stormwater management.*  
*The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland, significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS).*  
*Section 2.1.4 of the PPS, 2020 states - "Development and site alteration shall not be permitted in "significant wetlands..." and "significant coastal wetlands."*  
*Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*  
*We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS.*  
*Section 2.1.8 of the PPS, 2020 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*  
*Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with*



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

March 23, 2021

Mr. Frank Garardo  
Manager of Planning Services  
3925 Meloche Road  
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-06-21  
1459 FRONT RD N  
ARN 372946000010500; PIN: 015460193  
Applicant: John & Angela Riolo

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-06-21. The purpose of the Zoning By-Law application is to change the zoning of the subject lands noted above from the "Agricultural (A) Zone" to "Residential Type 1A (R1A) Zone" and "Special Provision Residential Type 1A (R1A-10) Zone".

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Rosario Bezaire Drain, Sancrainte Drain and Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

## **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

## **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

Mr. Garardo  
March 23, 2021

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)).

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha  
Resource Planner  
/vc



**From:** [Frank Garardo](#)  
**To:** [Sarah French](#)  
**Subject:** FW: endangered species assessment on property to be severed  
**Date:** December 7, 2020 3:48:28 PM  
**Attachments:** [image001.png](#)

---

**Frank Garardo**

*Manager, Planning Services*

Town of Amherstburg - Libro Centre

3295 Meloche Rd., Amherstburg, ON, N9V 2Y8

Tel: 519-736-5408 Fax: 519-736-9859 TTY: 519-736-9860



**TALK  
THE  
BURG**

[www.talktheburg.ca](http://www.talktheburg.ca)



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**From:** John Riolo [REDACTED]  
**Sent:** December 7, 2020 2:32 PM  
**To:** Frank Garardo <[fgarardo@amherstburg.ca](mailto:fgarardo@amherstburg.ca)>  
**Subject:** Fwd: endangered species assessment on property to be severed

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Frank, if you see below, I have received a provisional go ahead from the Ministry of the environment. Can you tell me what the next steps are?

----- Forwarded message -----

**From:** Species at Risk (MECP) <[SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)>  
**Date:** Fri, Dec 4, 2020 at 5:02 PM  
**Subject:** RE: endangered species assessment on property to be severed  
**To:** John Riolo [REDACTED]

Hello John,

RE: Severance and Residential Development – 1459 Front Road N. Amherstburg and the *Endangered Species Act, 2007*

The Ministry of the Environment, Conservation and Parks (MECP) Species at Risk Branch (SARB) has reviewed the information provided regarding the proposed severance and residential development at 1459 Front Road North in the Town of Amherstburg.

Based on the information that has been provided, MECP understands that the currently proposal is a lot severance to allow for a future residential development (e.g. single house, driveway, barn) and that your request for species at risk information is to assist in discussions with the municipality regarding building permits. The *Endangered Species Act, 2007* (ESA 2007) provides for the protection of endangered and threatened species listed on the Species at Risk in Ontario (SARO) List. The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change over time. For this reason, MECP cannot provide responses giving clearance for conceptual site alterations or future projects with no definitive timeline.

However, MECP would like to provide the additional information for your discussions with the Town of Amherstburg. There are known occurrences of the following endangered and threatened species at risk (SAR) the general area of the proposed development:

- Butler's Gartersnake (endangered) – receives species and general habitat protection
- Eastern Foxsnake – Carolinian population (endangered) – receives species and regulated habitat protection. **The property falls within regulated habitat for this species.**
- Queensnake (endangered) – receives species and regulated habitat protection
- Spiny Softshell (endangered) – receives species and general habitat protection
- Blanding's Turtle (threatened) – receives species and general habitat protection

MECP understands the majority of the portion of property to be severed is manicured lawn (i.e. mowed weekly). **If the proposed development is restricted to the mowed area of the property and no vegetation removal is proposed (i.e. the naturalized area on the northern, eastern and southern property boundary will not be impacted in any way by the development), it is likely that impacts to species at risk and protected habitat can be avoided with appropriate mitigation measures (e.g. exclusion fencing during construction). It is strongly recommended that MECP be contacted ([SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)) when the finalized building footprint and a timeline for construction are available in order for MECP to provide recommendations on mitigation measures.**

The position of SARB is based on the information that has been provided for this project. Please contact SARB as soon as possible ([SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)) to discuss next steps should any of the following situations arise:

- Information has not been made available and considered in MECP's review;
- New information comes to light that changes the conclusions; or,
- If on-site conditions and circumstances change so as to alter the basis for the conclusions.

Regards,

**Kathryn Markham**

Management Biologist

Permissions and Compliance Section, Species at Risk Branch

Ministry of Environment, Conservation and Parks





County of  
Essex

March 23, 2021

Mr. Frank Garardo  
Town of Amherstburg  
271 Sandwich Street South  
Amherstburg, Ontario  
N9V 2A5

Dear Mr. Garardo:

**Re: ZBA-06-21, John & Angela Riolo, Part Lot 27, Concession 1, East Side of  
County Road No. 20, Municipal Number 1459 Front Road**

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Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex.

The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 20 for a proposed residential building or 105 feet from the centre of the right of way for a proposed commercial structure. Permits are necessary for any changes to existing entrances and structures, of the construction of new structures.

Should you require further information, please contact Kris Balallo by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564

Regards,

A handwritten signature in black ink, appearing to read 'Kris Balallo'.

Kristoffer Balallo  
Engineering Technologist

**From:** [Todd Hewitt](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 17, 2021 10:49:54 AM

---

Janine,

Public works has no comments with respect to ZBA's

Todd

**Todd Hewitt**

*Manager of Engineering and Operations*

Town of Amherstburg

512 Sandwich St South, Amherstburg, ON, N9V 3R2

Tel: 519-736-3664 ext 2313 Fax: 519-736-7080 TTY: 519-736-9860



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---

**From:** Janine Mastronardi

**Sent:** March 17, 2021 10:35 AM

**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mchittle@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; 'ONTUGLLandsINQ@uniongas.com' <ONTUGLLandsINQ@uniongas.com>; 'Executivevp.lawanddevelopment@opg.com' <Executivevp.lawanddevelopment@opg.com>; planning@erca.org; Denise Kimmerly (denise\_kimmerly@wecdsb.on.ca) <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; 'Barry Horrobin' <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>

**Subject:** Notice of Public Meeting for Two ZBAs

Good morning.

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting for two proposed zoning by-law amendment with associated applications for a property on the east side of Concession 7 that was severed from 7397 Concession 7 and a property on the east side of Front

**From:** [DESANDO, Bruno](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 18, 2021 11:55:10 AM

---

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Janine,

Canada Post has no comments for the attached zoning by-law amendments.

Regards,

Bruno

Bruno DeSando  
CANADA POST CORPORATION  
Delivery Planning  
955 Highbury Avenue  
LONDON ON N5Y 1A3  
tel: 519-494-1596  
fax: 519-457-5412  
e-mail: [bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)

---

**From:** Janine Mastronardi <[jmastronardi@amherstburg.ca](mailto:jmastronardi@amherstburg.ca)>  
**Sent:** March-17-21 10:35 AM  
**To:** Giovanni (John) Miceli <[jmiceli@amherstburg.ca](mailto:jmiceli@amherstburg.ca)>; Antonietta Giofu <[aGiofu@amherstburg.ca](mailto:aGiofu@amherstburg.ca)>; Todd Hewitt <[thewitt@amherstburg.ca](mailto:thewitt@amherstburg.ca)>; Angelo Avolio <[aavolio@amherstburg.ca](mailto:aavolio@amherstburg.ca)>; Michelle Lavin <[mchittle@amherstburg.ca](mailto:mchittle@amherstburg.ca)>; Shane McVitty <[smcvitty@amherstburg.ca](mailto:smcvitty@amherstburg.ca)>; Ron Meloche <[rmeloche@amherstburg.ca](mailto:rmeloche@amherstburg.ca)>; Paula Parker <[pparker@amherstburg.ca](mailto:pparker@amherstburg.ca)>; Antonio Marra <[amarra@amherstburg.ca](mailto:amarra@amherstburg.ca)>; Paul Acton <[pacton@amherstburg.ca](mailto:pacton@amherstburg.ca)>; Rob Unis <[runis@amherstburg.ca](mailto:runis@amherstburg.ca)>; 'ONTUGLLandsINQ@uniongas.com' <[ONTUGLLandsINQ@uniongas.com](mailto:ONTUGLLandsINQ@uniongas.com)>; 'Executivevp.lawanddevelopment@opg.com' <[Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)>; [planning@erca.org](mailto:planning@erca.org); Denise Kimmerly (<[denise\\_kimmerly@wecdsb.on.ca](mailto:denise_kimmerly@wecdsb.on.ca)>); Rebecca Belanger <[rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca)>; Lisa Shepley <[lshepley@countyofessex.ca](mailto:lshepley@countyofessex.ca)>; K Balallo <[kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca)>; 'Barry Horrobin' <[REDACTED]>; Bruce Montone <[bmontone@amherstburg.ca](mailto:bmontone@amherstburg.ca)>; DESANDO, Bruno <[bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)>; Carr <[ccarr@essexpowerlines.ca](mailto:ccarr@essexpowerlines.ca)>; Girard <[agirard@essexpowerlines.ca](mailto:agirard@essexpowerlines.ca)>

**From:** [ONTUGLLandsINQ](mailto:ONTUGLLandsINQ)  
**To:** [Janine Mastronardi](mailto:Janine.Mastronardi)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 17, 2021 2:07:41 PM

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**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the Attachment Centre at 1-866-772-1045.

Should you require any further information, please contact the undersigned.

**Barbara M.J. Baranow**  
**Analyst Land Support**

Enbridge Gas Inc.  
50 Keil Drive North, Chatham, ON N7M 5M1

Integrity. Safety. Respect.

---

**From:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** Wednesday, March 17, 2021 10:35 AM  
**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mchittle@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ <ONTUGLLandsINQ@enbridge.com>; 'Executivevp.lawanddevelopment@opg.com' <Executivevp.lawanddevelopment@opg.com>; planning@erca.org; Denise Kimmerly (denise\_kimmerly@wecdsb.on.ca) <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; 'Barry Horrobin' <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno

**From:** [Horrobin, Barry](#)  
**To:** [Janine Mastronardi](#); [Giovanni \(John\) Miceli](#); [Antonietta Giofu](#); [Todd Hewitt](#); [Angelo Avolio](#); [Michelle Lavin](#); [Shane McVitty](#); [Ron Meloche](#); [Paula Parker](#); [Antonio Marra](#); [Paul Acton](#); [Rob Unis](#); ["ONTUGLLandsINQ@uniongas.com"](#); ["Executivevp.lawanddevelopment@opg.com"](#); [planning@erca.org](#); [Denise Kimmerly](#) ([denise\\_kimmerly@wecdsb.on.ca](#)); [Rebecca Belanger](#); [Lisa Shepley](#); [K Balallo](#); [Bruce Montone](#); [DESANDO, Bruno](#); [Carr](#); [Girard](#)  
**Cc:** [Lisa Cheney](#); [Frank Garardo](#)  
**Subject:** Windsor Police comments: Notice of Public Meeting for Two ZBAs  
**Date:** March 17, 2021 4:25:17 PM

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Janine:

I have reviewed the documents associated with the two proposed Zoning By-law amendments for the subject properties. The Windsor Police Service has no concerns or objections with either application as the outcome from both will not negatively impact public safety or inhibit police service response capability to the properties in question.

Respectfully,

**Barry Horrobin, B.A., M.A., CLEP, CMM-III**  
**Director of Planning & Physical Resources**  
**WINDSOR POLICE SERVICE**



***Advanced Certified Law Enforcement Planner***

---

**From:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** Wednesday, March 17, 2021 10:35 AM  
**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mchittle@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; 'ONTUGLLandsINQ@uniongas.com' <ONTUGLLandsINQ@uniongas.com>; 'Executivevp.lawanddevelopment@opg.com' <Executivevp.lawanddevelopment@opg.com>; planning@erca.org; Denise Kimmerly (denise\_kimmerly@wecdsb.on.ca) <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Horrobin, Barry

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2021-021**

**By-law to amend Zoning By-law No. 1999-52  
1459 Front Road North (Conc 1, Pt Lot 27), Amherstburg**

---

**WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 10 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to R1A" and "Zone Change from A to R1A-10" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Residential Type 1A (R1A) Zone" and "Special Provision Residential Type 1A (R1A-10) Zone".
2. "Section 6(4)(i) R1A-10 (E/S Front Road North)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned R1A-10 on Schedule 'A' hereto, the zone requirements of Section 6 of this By-law shall apply with the exception of the following:

- (i) Uses Permitted
  1. Livestock for personal use may also be kept but must be housed no closer than 100 metres to the closest adjoining dwelling and must be contained in livestock facility no larger than twenty (20) square metres.
  2. Any use permitted in the R1A Zone."
4. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 26<sup>th</sup> day of April, 2021.

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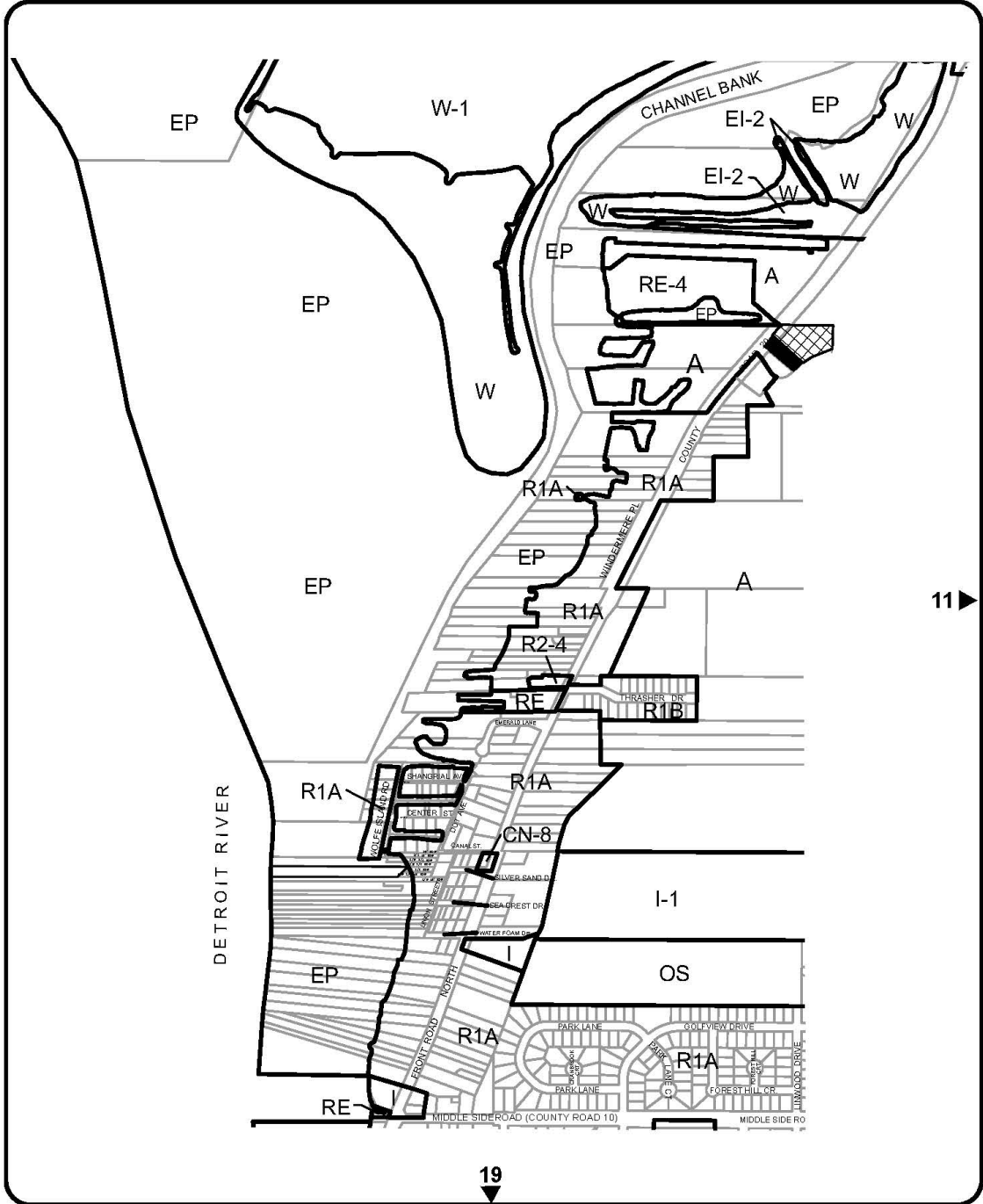
MAYOR- ALDO DICARLO

---

CLERK- PAULA PARKER

**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2021-021  
 A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 10**  
 ZONING BY-LAW NO. 1999-52

**A to R1A**   
**A to R1A-10** 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER